IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 35 OF 2007

Vasant Nagar Rahivasi
Sangh & Ors. .. Petitioners.

vs.

The State of Maharashtra
& Ors. .. Respondents.

Mr. A.Y. Bookwala i/by M/s. Chitnis Vaity & Co.
for petitioners.
Ms. Kiran Bagalia for Respondent no. 2.

..

Coram: J.N. PATEL &,
S.C. DHARMADHIKARI, JJ.
Date: 14th February, 2007.

P.C.

. Heard.

2. The petition can be disposed of at the admission stage itself. The grievance of the petitioners is that the respondents have not taken into consideration their representation and are proceeding with the implementation of the road widening scheme

thereby affecting the structures of the petitioners.

3. On the other hand, in the affidavit in reply filed on behalf of the competent authority it has been specifically stated that the project of road widening is in public interest and is being undertaken after taking into consideration the rights of the petitioners.

4. In our view, it will be proper for the respondent competent authority to give an opportunity of hearing to the petitioners and consider their case in reference to the individual structures owned by the petitioners and if it is found that the said structures come within the road widening scheme, the petitioners to take steps to remove the structures on their own and claim benefits in accordance with the scheme. We expect the respondent to hear the petitioners within a period of six weeks from the date of communication of this order and take a decision in the matter. The counsel for the respondents to communicate the order to the competent authority who shall forthwith issue notices to the petitioners. We make it clear that there is no stay granted by this Court in the matter of completion of project except in case of structures of the petitioners who have approached this Court and deserve a hearing in the matter.

5. Petition stands disposed of accordingly.

6. The Private Secretary of this Court is directed to furnish an authenticated copy of this order to the learned counsel for the petitioners.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)